

Mr. Wakefield.

Land Claims Arbitration.

ANALYSIS.

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A BILL INTITULED

AN ACT to empower the Governor to submit certain Title.
Land Claims to Arbitration.

WHEREAS George Beadon, of Adelaide, in the Colony of South Preamble.
Australia, did, in or about the year one thousand eight hundred
and thirty-nine, purchase from the Native Chiefs of New Zealand
certain tracts of land: And whereas the claim of the said George
5 Beadon to such lands was recognized by the lawful authorities duly
existing in that respect by notice in the *Gazette*, in the year one
thousand eight hundred and forty-four: And whereas one W. E.
Cormack, pretending to act as the lawfully appointed agent for the
said George Beadon, did, on the eighth day of June, in the year one
10 thousand eight hundred and forty-four, by wilful deceit and false
representations, obtain from the then Commissioner of Land Claims,
the withdrawal and setting aside of the claims of the said George
Beadon, thereby causing the said George Beadon grievous loss: And
whereas the said George Beadon was, for many years, not cognizant of
15 the aforesaid matters by reason of protracted absences in the service of
the Royal Navy, and was thereby unable to secure redress to himself
at the time of such occurrences: And whereas other complications
have arisen, and there are good reasons why special consideration
should be given to the claims of the said George Beadon: And whereas
20 it is expedient that provision shall be made for the final settlement of
the claims of the said George Beadon in manner hereinafter provided:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

25 1. The Short Title of this Act is "The Land Claims Arbitration Short Title.
Act, 1879."

George Beadon's claims may be referred to arbitration.

2. If within ninety-one days after the passing of this Act the said George Beadon shall, by a notice in writing signed by him, and attested by two witnesses, signify to the Colonial Secretary of the Colony of New Zealand for the time being that he is willing that his claims against the Crown in respect of the matters referred to in the preamble to this Act shall be finally settled, it shall be lawful for the Governor, any Act or Ordinance of the New Zealand Legislature notwithstanding, and for the said George Beadon to refer the said matters to arbitration, in manner hereinafter mentioned. 5

Appointment of arbitrators.

3. Within sixty days after such notice shall have been given by the said George Beadon as aforesaid, three indifferent persons shall be elected and chosen, one by each of them, the said George Beadon, or his duly appointed attorney on his behalf, and the said Colonial Secretary respectively, and the third by the arbitrators so chosen; and the award of the said arbitrators, or of any two of them as the case may be, shall be final and conclusive, and shall not be set aside on any grounds whatever. 10 15

Their award final.

Provision in case all arbitrators are not appointed.

4. That if the said George Beadon, or the said Colonial Secretary, shall neglect or refuse to appoint an arbitrator pursuant to the foregoing provisions, for sixty days after the other of them shall have appointed such arbitrator on his part, and shall have served a written notice to make the same on the party so neglecting or refusing to make such appointment, then the arbitrator appointed by the party serving such notice shall, at the request of such party, proceed to hear and determine the claims of the said George Beadon, and in such case the award of such arbitrator shall be final and conclusive, and shall not be set aside on any grounds whatever. 20 25

Issues referred for arbitration.

5. The only issues which shall be referred to, and on which an award shall be made shall be—

- (1.) Is the said George Beadon entitled to any, and, if any, to what quantity of land in respect of his said claims? 30
- (2.) Has the said George Beadon suffered special damage in respect to the said claims? 35

Powers of arbitrators.

6. The said arbitrators or arbitrator, as the case may be, shall have power to examine witnesses on oath, to determine by whom and in what manner the costs of the arbitration shall be paid, and to receive or reject evidence at their or his discretion; and shall also be at liberty to proceed *ex parte* in case the said George Beadon, or the said Colonial Secretary, or his or their solicitors, attorney or attorneys, after sixty days' notice, shall at any time neglect or refuse to attend on the reference without having previously shown to the said arbitrators or arbitrator what they or he shall consider good and sufficient cause for omitting to attend. 40

Meeting.

7. It shall be lawful for the arbitrators or arbitrator acting under this Act, from time to time, to fix the time and place at which any meeting is to be held for the purposes of such arbitration. 45

Award to be made within six months of passing of Act.

8. Any award to be made, pursuant to the provisions of this Act, shall be made within six calendar months after the passing of this Act.

Provision for due carrying out of award of arbitrators.

9. It shall be lawful for the Governor, in satisfaction of the award of the said arbitrators, to issue to the said George Beadon such amount of land scrip, in such form and for such sums as shall be awarded and directed by the said arbitrators, which land scrip shall be received in payment for any lands to be selected by the said George Beadon out of any lands open for sale or selection under the provisions of the laws for the time being in force relating to the disposal of waste lands of the Crown. 50 55